UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

Kurt Benshoof, A.R.W. by and through his father Kurt Benshoof, Brett Fountain, Urve Maggitti, Plaintiffs, No. 2:24-CV-00808-JHC v. Andrea Chin, et al. Defendants.

JUDICIAL NOTICE OF FACTS

I, the undersigned, ask this Honorable Court to take judicial notice, as authorized and mandated by Federal Rule of Evidence 201, of specific facts that are not subject to reasonable dispute.

A. INTRODUCTION, FACTS

- 1. Fact: I am one of the plaintiffs in this case.
- 2. Fact: Magalie Lerman is one of the defendants in this case.
- 3. Fact: Jessica Owen is one of the defendants in this case.
- 4. As a co-plaintiff, I am not only authorized to serve defendants with the summons and complaint, but also I share in the responsibility to perform such service. Fed. R. Civ. Proc. 4(c)(1).

"The plaintiff is responsible for having the summons and complaint served ... and must furnish the necessary copies to the person who makes service."

5. Defendants Magalie Lerman and Jessica Owen have both been so served. See attached proofs of service on Lerman (Exhibit A) and Owen (Exhibit B).

B. GROUNDS

6. A court can take judicial notice of facts not subject to reasonable dispute if the facts can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed R. Evid. 201(b); Ritter v Hughes Aircraft Co., 58 F.3d 454, 458 (9th Cir. 1995); see Dippin' Dots, Inc. v Frosty Bites Distrib., 369 F.3d 1197, 1204-05 (11th Cir. 2004).

- 7. I believe that the official court record in this case, as maintained by the court clerk, is, for these facts herein noticed, a source whose accuracy cannot reasonably be questioned.
- 8. A court must take judicial notice of a fact if a party properly requests it and supplies the court with the necessary information. Fed R. Evid. 201(c)(2).
- 9. The necessary information is herein, and in the attached Exhibits A and B.
- 10. A court must instruct the jury to accept the noticed fact as conclusive. Fed. R. Evid. 201(f).
- 11. Therefore, I ask that, after this Court receives the evidence, the jury be instructed to accept these facts as conclusive.

C. CONCLUSION

For these reasons, Plaintiff asks this Court to promptly take judicial notice of the above facts, receiving them all into evidence, and to then instruct the jury that the Court has taken judicial notice and instruct the jury to accept the noticed facts as conclusive.

D. DECLARATION

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

EXECUTED on this 9th day of March 2025.

/s/ Brett Fountain Plaintiff, Declarant

E. CERTIFICATE OF SERVICE

I certify that on this 9th day of March 2025, a copy of this Judicial Notice document and its two (2) exhibits are all being sent by me as follows:

- Clerk, United States District Court, Washington Western District at Seattle, via fax (206) 553-0882
- Co-Plaintiff Urve Maggitti, via fax (610) 947-5116
- Co-Plaintiff Kurt Benshoof c/o KCCF, via fax (206) 296-0168

/s/ Brett Fountain Sender



50309 KB407 JN-S.1 Exhibit A: Service of Process upon Defendant Lerman

3 440 (Rev. 0611). Simumon in a Civil Action (Page 2)
Civil Action No. 2:24-cy-00898-JHC
PROOF OF SERVICE (This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (b)
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Of I left the summons at the individual's residence or usual place of abode with [name]
a person of suitable age and discretion who resides there,
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50309 KB407 JN-S.1 Exhibit B: Service of Process upon Defendant Owen

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Civil Action No. 2:24-cv-00808-JHC		
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